(3)

(I)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR

CHHATTISGARH

WRIT PETITION NO. 5066 OF 2004

PETITIONER : Dr.L.K.Choubey, S/o Late Tilak Prasad , Aged about 58 years Occupation – Ayurvedic Medical Officer ,Government Ayurvedic Pharmacy,Raipur (C.G.)

5055/04

P.R. No.....

Presented by Shri S.C. Mishra

dated 24/12/04

VERSUS

RESPONDENTS :

1. State of Chhattisgarh, Secretary Health and Family Welfare Department D.K.S. Building Raipur (C.G.)

2. Directorate ,Indian Medical Allo-Pathy And Homeopathy Chhattisgarh, Raipur (CG).

22/12/04

24.12

WRIT PETITION U/S 226/227 OF THE CONSTITUTION OF INDIA

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.No. 5066/04 **सन्** 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

24.1.2005:

Shri S.S. Mishra counsel for the petitioner.

Heard.

The petitioner who is an Ayurved Medical Officer posted in Government Ayurved Pharmacy, Raipur has filed this petition against the order of annexure P-2 by which he has been transferred to Govt. Ayurved Pharmacy Parsada on administrative ground.

Learned counsel for the petitioner submits that the above order of transfer has been passed malafidely against the petitioner who is to retire in February 2006. He further submitted that a show cause notice of annexure P-3 was issued to the petitioner on some vague allegations which was duly replied by the petitioner as per annexure P-4. However, without conducting any departmental inquiry the petitioner has been punished by way of transfer at the fag end of his service career. He further submitted that earlier the petitioner was relieved in pursuance of annexure P-2 but subsequently the Deputy Director, Government Ayurved Pharmacy, Raipur vide order dated 3.12.2004 stayed the order of relieving till further orders.

Let the petitioner file copy of order dated 3.12.2004 passed by the Government Ayurved Pharmacy, Raipur during the course of the day.

Learned counsel for the petitioner submits that ends of justice would be served if the petitioner is allowed to make a detailed representation to the respondents against the order of annexure P-2 to be decided by the respondents within a stipulated period.

(20)

XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक WP 5066/04 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश —2—	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

After hearing counsel for the petitioner, it is directed that the petitioner shall make a detailed representation to the respondents against the order of annexure P-2 within 10 days from today along with the copy of this order. On that representation being made to the respondents, the same shall be decided by them within a period of six weeks there from by a detailed and reasoned order.

Meanwhile, the respondents shall not give effect to the transfer order of annexure P-2 if the petitioner has not been relieved so far.

With these observations the petition is disposed of.

In view of this order MWP No. 5294/2004 and IA No. 9955/2004 stand disposed of.

Sd/-
DHIRENDRA MISHRA
Judge